

Council Meeting – *Agenda*

CITY COUNCIL CALENDAR

Thursday, June 14, 2007 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LEO R. PIMENTAL

***PRAYER LED BY: THE VERY REVEREND FATHER CONSTANTINE BEBIS
PASTOR, ST. GEORGE GREEK ORTHODOX CHURCH
ARCHIMANDRITE OF THE GREEK ORTHODOX CHURCH***

PLEDGE OF ALLEGIANCE:

RESOLUTIONS

1. RESOLUTION, Councillors DeMedeiros & Lawrence, honoring CAROL B SMOLA on her RETIREMENT FROM THE NEW BEDFORD SCHOOL DEPARTMENT AFTER 49 YEARS OF SERVICE.
2. RESOLUTION, Councillor Coelho, honoring the DAY OF PORTUGAL COMMITTEE and the TENTH ANNUAL DAY OF PORTUGAL .
3. RESOLUTION, Councillor Saunders, honoring EDMUND BORGES ON HIS RETIREMENT as PRINCIPAL at ST. JAMES/ST. JOHN SCHOOL.

HEARINGS

4. PETITION, NSTAR Electric Company, for location of two (2) 4” Conduit and One (1) Handhole in LOCUST STREET, East of Summer Street.
 - 4a. AN ORDER,
5. PETITION, NSTAR Electric Company, for location of one (1) 4” Conduit in HATHAWAY BOULEVARD, Opposite of Ruggles Street.
 - 5a. AN ORDER,

MAYORS PAPERS

- M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER APPROPRIATING \$8,095,810 in 12 equal monthly increments set against the DPI/Water Account, and the sum of \$1,006,164 from DPI/Water Retained Earnings, to be expended in accordance with the Appropriation in the FY08 DPI/Water Budget; this ORDER AMENDS the previous ORDER In City Council, May 24, 2007, Referred to Quasi Committee of the Whole, to include DOR-certified available “free cash” as of July 01, 2006, for the City of New Bedford in the Water Enterprise Fund, but does NOT change the total amount of the Budget Appropriation of \$9,101,974. (Letter from DOR attached.) (To be Referred to the Quasi Committee of the Whole.)
 - M1a. ORDER, (To be Referred to the Quasi Committee of the Whole.)
- M2. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$750.00 from TREASURERS, SALARIES & WAGES to TREASURERS, SUPPLIES & MATERIALS.
 - M2a. AN ORDER,
- M3. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$12,500.00 from LIBRARY, CHARGES & SERVICES to LIBRARY, SUPPLIES & MATERIALS.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$17,500.00 from LIBRARY, CHARGES & SERVICES to LIBRARY, CAPITAL OUTLAY.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$200.00 from CLERK OF COMMITTEES, SUPPLIES & MATERIALS to CLERK OF COMMITTEES, CAPITAL OUTLAY.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$600.00 from CLERK OF COMMITTEES, SALARIES & WAGES to CLERK OF COMMITTEES, CAPITAL OUTLAY.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$100.00 from CLERK OF COMMITTEES, CHARGES & SERVICES to CLERK OF COMMITTEES, CAPITAL OUTLAY.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$300.00 from CITY COUNCIL, CHARGES & SERVICES to CITY COUNCIL, CAPITAL OUTLAY.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$1,000.00 from CITY COUNCIL, CHARGES & SERVICES to CITY CLERK, CAPITAL OUTLAY.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$2,000.00 from ENVIRONMENTAL STEWARDSHIP, SALARIES & WAGES to EMS, CHARGES & SERVICES.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$13,000.00 from PUBLIC FACILITIES, CHARGES & SERVICES to EMS, CHARGES & SERVICES.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$70,000.00 from LIBRARY, SALARIES & WAGES to VETERANS, CHARGES & SERVICES.

M12a. AN ORDER,

M13. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$164,000.00 from GENERAL GOVERNMENT UNCLASSIFIED, COMPENSATION MUNICIPAL EMPLOYEES to FIRE, SALARIES & WAGES.

M13a. AN ORDER,

M14. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$181,000.00 from PUBLIC FACILITIES, CHARGES & SERVICES to POLICE, SALARIES & WAGES.

M14a. AN ORDER,

M15. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER for the TRANSFER of \$2,670,610.00 from FREE CASH to STABILIZATION FUND.

M15a. AN ORDER,

M16. COMMUNICATION, Mayor Lang to City Council, submitting AN ORDER appropriating \$22,206 of unexpended bond proceeds which was not needed to complete the projects for which the bonds were originally issued, and **\$6,500** is appropriated for the purpose of acquiring a Veterans Van with lift and **\$15,706** is appropriated for vehicles for the Fire Department District Chiefs.

M16a. AN ORDER,

M17. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Davis Daniel, 1375 Pleasant Street, New Bedford, MA 02740, Account No. 2221, in the amount of \$2,492.00.

M18. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of Mr. John Honohan, 29 Garrett Street, New Bedford, MA 02745 as CONSTABLE.

M18a. APPLICATION,

NEW BUSINESS

6. AN ORDINANCE, Amending Chapter 6, Buildings and Other Structures, Article II, Section 6-28, STRIKING Subsection (e) in its entirety. (Re: Municipal Lien Certificate.) (Passed to a Second Reading May 24, 2007; to be Passed, to be Ordained.)

7. AN ORDINANCE, Amending Administration and Personnel (Chief Financial Officer.) (Passed to a Second Reading May 24, 2007; to be Passed, to be Ordained.)

8. AN ORDINANCE, Relative to Administration. (Assistant Clerk of Committees and Legislative Counsel.) (Passed to a Second Reading May 24, 2007; to be Passed, to be Ordained.)

9. AN ORDINANCE, Relative to Traffic Enforcement. (Passed to a Second Reading May 24, 2007; to be Passed, to be Ordained.)

10. AN ORDINANCE, Amending Chapter 19 Personnel – Airport Manager and Airport Assistant Manager.) (Passed to a Second Reading May 24, 2007; to be Passed, to be Ordained.)

11. WRITTEN MOTION, Councillor Pina, requesting, on behalf of Joe Jesus, that the following street(s) be CLOSED: PURCHASE STREET, from William to Union Street, on THURSDAY, JULY 19, 2007, FROM 5:00 P.M. TO 9:00 P.M., for the purpose of FIFTIES NIGHT DOWNTOWN.

12. WRITTEN MOTION, Councillor Alves, asking that, in an effort to improve or replace the aging Congdon, DeValles and Dunbar Schools, which are under consideration for repair and/or replacement, that the Mayor and School Committee consider the purchase of land at the former Goodyear site for the location of a new consolidated “Neighborhood” grammar school, with consideration for funding from the State school building program that provides 80-90% State funding, in that this would provide the residents of the South End with a New, Updated, High-Tech, Architecturally Barrier-free and Modern “Neighborhood” School, and the children still would continue to have the ability to WALK to school since those schools are all within 1, 2 or 3 blocks (walking distance) of this “new” site.

13. WRITTEN MOTION, Councillor Pimental, requesting that the City Council go on record and thank Bob Rebello, his crew and the entire Cemetery Department for their efforts in decorating the graves of our Veterans and Veterans Monuments throughout the City of New Bedford for Memorial Day.

14. WRITTEN MOTION, Councillors Gonsalves, Gomes, Alves, Saunders, Lawrence, DeMedeiros, Koczera, Coelho and Pina, requesting, on behalf of Ms. Eva Barnes, 51 Bourne Street, that the Cemetery Department and the Cemetery Board reconsider the policy of removing Flags from Veterans’ graves after July 4th, as the families prefer

that the Flags stay to honor their loved ones who have served their Country. (To be referred to the Cemetery Department and the Cemetery Board.)

15. WRITTEN MOTION, Councillor Pina, requesting that the Mayor consider utilizing the former Keith Junior High School for the Main Police Station.

16. WRITTEN MOTION, Councillors Gonsalves, Saunders, Alves, Koczera, Lawrence and Council President Pimental, requesting, that the City Council, ask the Mayor, to reconsider his decision to terminate health insurance for Board Members serving the City of New Bedford, so that the existing Board Members are grandfathered in so their existing coverage is not terminated.

17. WRITTEN MOTION, Councillor Koczera, asking that the City's Zoning Ordinance be amended to designate and include a new Mill Overlay District, located within the block bounded by Nash Road, Edison Street, Belleville Road and Brook Street; the intent of this new Overlay District would be to allow mixed uses of the properties in that area to occur, including residential use, by a Special Permit, granted by the Zoning Board of Appeals. (To be Referred to the Committee on Ordinances only due to time lapse from April 14, 2007 referral.)

18. WRITTEN MOTION, Council President Pimental, requesting that the following streets be CLOSED from 6:00 P.M. ON JUNE 21, 2007, TO 8:00 P.M. JUNE 22, 2007, for security purposes, on the occasion of the visit by the President of Portugal Anibal Cavaco Silva accompanied by First Lady Maria Cavaco Silva on June 22, 2007: WILLIAM STREET, from Acushnet Avenue to North Water Street; BETHEL STREET/JOHNNY CAKE HILL, from Union Street to Elm Street, NORTH WATER STREET, from Union Street to Elm Street.

19. WRITTEN MOTION, Councillor Coelho, requesting that the City Council look into methods to prevent rave parties from occurring, and if they are in progress, how the public can inform Police; to ensure immediate response, further, that the Police enact a strict enforcement policy in addressing rave parties, what constitutes a rave party and its environmental/public safety risks (theft, trafficking, noise, etc.) (To be referred to the Committee on Public Safety and Neighborhoods and the Police Department.)

20. WRITTEN MOTION, Councillor Gomes, requesting that the City install bike racks in the downtown area, especially in front of City Hall. (To be referred to the Mayor and DPF.)

21. COMMUNICATION, Assistant City Solicitor Eric Jaikes, to City Council, submitting an ORDER authorizing the Mayor and Chairman of the Airport Commission to execute a LEASE, on behalf of the City, between the City of New Bedford and Nor East Aviation Services, Inc. as a land lease for Lessee's Aircraft Maintenance and Storage Operations at the New Bedford Regional Airport for an initial term of Five Years (with Option to renew.)

21a. AN ORDER,

22. COMMUNICATION, Councillor Morad, Chairperson, Committee on City Property to Committee on City Property Members, advising the Members that the New Bedford Lightship has been sold to Conrad Roy, President of Sea Roy Enterprises Inc. for the sum of \$10,000.

23. COMMUNICATION, TOWN OF WALPOLE Board of Selectmen, to City Council, requesting Councillors to write a letter in support for filing legislation that will cause the immediate suspension of MGL Chapter 40B, the Comprehensive Permit law, as it applies to applications for comprehensive permits not supported by the community, applications more commonly referred to as "unfriendly 40Bs", enclosing copy of their letter re: same. (Copy all Councillors, Legislative Counsel and City Clerk 05/25/07.)

24. COMMUNICATION, Council on Aging, responding to Councillor Gonsalves' Written Motion of May 10, 2007, submitting itemized list of goods and services associated with the relocation of the Downtown Senior Center to 560 Pleasant Street. (Copy all Councillors 06/01/07.)

25. COMMUNICATION, Eric W. Holland, Acting Director U.S. Department of Justice to City Clerk Rita D. Arruda responding to her letter dated March 14, 2007, to the Attorney General which forwarded the March 8, 2007 Resolution regarding the prosecution of individuals associated with Michael Bianco, Inc.

TABLED BUSINESS

02/23/06 WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

02/23/06 COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

07/20/06 CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

08/17/06 CITATION, Councillor Morad, honoring SPECIALIST ALVARO A. SANTOS, United States Army Reserve, 844th Engineering Battalion, a Heavy Construction Equipment Operator, who served in support of Operation Iraqi Freedom in Kuwait from December 18, 2004 to December 12, 2005, and was awarded the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with “M” Device, Army Service Ribbon and the Overseas Service Ribbon.

08/17/06 CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our County in Operation Iraqi Freedom, from September 06, 2005, until July 06, 2006.

08/17/06 RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY’S PASSPORT TO READING DAY IN NEW BEDFORD.

08/17/06 RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.

01/25/07 WRITTEN MOTION, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors, are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.

02/08/07 HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

02/08/07 AN ORDER, (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

05/24/07 CITATION, Councillors Alves and Pina, honoring P.A.C.E. (PEOPLE ACTING IN COMMUNITY ENDEAVORS.) in recognition of 25 Years of Service to the Greater New Bedford Area.

05/24/07 RESOLUTION, Councillor Lawrence, congratulating the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL THEATRE COMPANY on their 2007 MUSICAL PRODUCTION of “OLIVER!”

05/24/07 RESOLUTION, Councillors Alves, Morad, Saunders and Pina, honoring DPI COMMISSIONER RONALD LABELLE in recognition of his receiving the National Association of Clean Water Agency’s 2007 Local Public Service Award, presented at the NACWA 2007 Forum on May 07, 2007 in Washington, D.C.